

## **REMARKS/ARGUMENTS**

Applicant thanks Examiner for the detailed Office Action dated September 25, 2006. In response to the issues raised, the Applicant offers the following submissions and amendments.

### **Amendments**

Claims 1, 19 and 38 have been amended to incorporate the features of claims 9, 28 and 45 (now cancelled).

Claims 1, 19 and 38 have also been amended to clarify the reference to the plane of the heater element.

Accordingly, the amendments do not add any new matter.

### **Claim Objections**

Independent claims 1, 19 and 38 now define the generally planar heater element, as one that extends in a plane that is parallel to that of the nozzle. Accordingly, we submit that the skilled worker would readily understand the configuration of the planar heater relative to the nozzle and there is antecedent basis for all elements defined in these claims.

### **35 U.S.C. §102**

Claims 1, 6, 19 and 25 stand rejected for lack of novelty in light of US 4,797,692 to Ims.

The Examiner argues that the planar heater of Ims, has a plane that extends through its thickness, and which is parallel to the plane of the nozzle opening. The Applicant respectfully submits that this is a strained interpretation of the claims. The skilled addressee would immediately understand 'the plane' of a heater element, previously defined as a planar heater element, to be the plane in which it extends. The skilled addressee would not interpret the plane of the heater element to be a plane that extends through its thickness. Accordingly, the Applicant maintains that Ims does not teach a planar heater element configured parallel to the plane of the nozzle opening.

Notwithstanding this, independent claims 1 and 19 have been amended to incorporate the features of claims 9 and 28 respectively.

Ims does not disclose the combination of elements defined by amended claims 1 and 19. Accordingly, claims 1 and 19, and therefore their dependent claims 6 and 25, are novel in light of the Ims disclosure.

**35 U.S.C. §103**

Claims 7, 10, 11, 13, 14, 16, 18, 24, 26, 29, 30, 32, 33, 35, 37, 38, 43, 44, 47 and 54 stand rejected as obvious in light of Ims in combination with US 4,794,410 to Taub et al, US 5,706,041 to Kubby, US 5,856,836 to Silverbrook, US 6,543,879 to Feinn et al, US 6,447,104 to Keil et al, US 5,841,452 to Silverbrook et al, US 4,797,692 to Kashino et al, US 4,965,584 to Komuro, US 5,710,070 to Chan, or US 4,931,813 to Pan et al. Similarly, claim 38 stands rejected as obvious in light of Ims in view of US 4,549,191 to Fukuchi et al. Dependent claims stand rejected as obvious in light of Ims in view of Fukuchi in further view of the references listed above.

As discussed above, Ims fails to anticipate all the elements of amended claims 1 and 19. Likewise Ims and Fukuchi fail to disclose all the elements of independent claim 38. Furthermore, none of the cited references teach or suggest laterally enclosing the heater element so that the pressure pulse from the bubble does not dissipate sideways instead of through the nozzle with the ejected ink.

It follows that the citations fail to support a §103 rejection of the above claims.

It is respectfully submitted that the Examiner's objections and rejections have been successfully traversed and the application is now in condition for allowance. Accordingly, favorable reconsideration is courteously solicited.

Very respectfully,

Applicant:



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